

105TH CONGRESS
1ST SESSION

H. R. 1173

To provide collective bargaining rights for public safety officers employed
by States or their political subdivisions.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. KILDEE (for himself, Mr. NEY, Mr. CLEMENT, Mr. DUNCAN, Mr. FOLEY,
and Mr. KLECZKA) introduced the following bill; which was referred to
the Committee on Education and the Workforce

A BILL

To provide collective bargaining rights for public safety
officers employed by States or their political subdivisions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Safety Em-
5 ployer-Employee Cooperation Act of 1997”.

6 **SEC. 2. DECLARATION OF PURPOSE AND POLICY.**

7 The Congress declares that the following is the policy
8 of the United States:

9 (1) Labor-management relationships and part-
10 nerships are based on trust, mutual respect, open

1 communications, bilateral and consensual problem
2 solving, and shared accountability. Dispute resolu-
3 tion procedures are fair, determinative, simple, fast
4 and inexpensive, and effectively and swiftly deal with
5 issues. Labor-management cooperation fully utilizes
6 the strengths of both parties to best serve the inter-
7 ests of the public, operating as a team to carry out
8 the public safety mission in a quality work environ-
9 ment. In many public safety agencies it is the union
10 that provides the institutional stability as elected
11 leaders and appointees come and go.

12 (2) The health and safety of the Nation and the
13 best interest of public safety employers and employ-
14 ees can be best protected by the settlement of issues
15 through the processes of collective bargaining.

16 (3) The Federal Government shall make avail-
17 able governmental facilities for conciliation, medi-
18 ation, and voluntary arbitration to aid and encour-
19 age employers and the representatives of their em-
20 ployees to reach and maintain agreements concern-
21 ing rates of pay, hours, and working conditions, and
22 to make all reasonable efforts to settle their dif-
23 ferences by mutual agreement reached through col-
24 lective bargaining or by such methods as may be

1 provided for in any applicable agreement for the set-
2 tlement of disputes.

3 (4) Certain controversies which arise involving
4 collective bargaining agreements may be avoided or
5 minimized through mediations and conciliation.

6 **SEC. 3. DEFINITIONS.**

7 For purposes of this Act:

8 (1) The term “Director” means the Director of
9 the Federal Mediation and Conciliation Service.

10 (2) The term “public safety officer” means an
11 employee of a public safety agency who is a law en-
12 forcement officer, a firefighter, or emergency medi-
13 cal services personnel. The term includes an individ-
14 ual who is temporarily transferred to a supervisory
15 or administrative position, but does not include a
16 permanent management or supervisory employee.

17 (3) The term “firefighter” means an individual
18 employed in a fire department who—

19 (A) primarily performs work directly relat-
20 ed to the control and extinguishment of fires;

21 (B) is responsible for the maintenance and
22 use of firefighting apparatus and equipment,
23 fire prevention and investigation, communica-
24 tions and dispatch; or

25 (C) provides emergency medical care.

1 (4) The term “law enforcement officer” means
2 a member of a law enforcement agency serving in a
3 law enforcement position, which is usually indicated
4 by formal training (regardless of whether the officer
5 has completed or been assigned to such training)
6 and usually accompanied by the power to make ar-
7 rests.

8 (5) The term “emergency medical services per-
9 sonnel” means an individual who provides out-of-
10 hospital emergency medical care, including an emer-
11 gency medical technician, paramedic, or first re-
12 sponder.

13 (6) The term “law enforcement agency” means
14 a State or local public agency that is charged by law
15 with the duty to prevent or investigate crimes or ap-
16 prehend or hold in custody persons charged with or
17 convicted of crimes.

18 (7) The term “management or supervisory em-
19 ployee” includes any public safety personnel exempt-
20 ed from the provisions of chapter 8 of title 29, Unit-
21 ed States Code.

22 (8) The terms “employer” and “public safety
23 employer” mean any State, political subdivision of a
24 State, the District of Columbia, or any territory or
25 possession of the United States.

1 **SEC. 4. RIGHT OF PUBLIC SAFETY OFFICERS TO ORGANIZE**
2 **AND BARGAIN COLLECTIVELY.**

3 (a) MINIMUM PROCEDURES.—To be exempt from the
4 requirements of section 5, a State shall—

5 (1) grant public safety employees the right to
6 form and join a labor organization which does not
7 include management and supervisory employees and
8 which is, or seeks to be, recognized as the exclusive
9 bargaining agent of such employees;

10 (2) require public safety employers to recognize
11 the employees' labor organization (freely chosen by
12 a majority of the employees), agree to bargain with
13 the labor organization, and to commit any agree-
14 ments to writing in a contract or memorandum of
15 understanding;

16 (3) allow bargaining over hours, wages, terms,
17 and conditions of employment;

18 (4) prohibit bargaining over issues which are in-
19 herent management functions;

20 (5) protect all existing collective bargaining
21 agreements, memoranda of understanding, certifi-
22 cations, recognitions, and elections;

23 (6) require fact finding in the event of an inter-
24 est impasse;

25 (7) allow the parties voluntarily to agree to sub-
26 mit disagreements to arbitration;

1 (8) require enforcement through State courts of
2 all rights, responsibilities, and protections provided
3 in this section and of any written contract or memo-
4 randum of understanding; and

5 (9) prohibit strikes and lockouts.

6 (b) DETERMINATION.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Director
9 of the Federal Mediation and Conciliation Service
10 shall issue a determination as to whether a State
11 meets the requirements of subsection (a).

12 (2) SUBSEQUENT DETERMINATIONS.—After the
13 expiration of the 180-day period referred to in para-
14 graph (1), an employer or labor organization may
15 request the Director of the Federal Mediation and
16 Conciliation Service to determine whether the State
17 meets the requirements of subsection (a). The Direc-
18 tor shall issue such a determination not later than
19 30 days after written receipt of such a request.

20 (3) FAILURE TO MEET REQUIREMENTS.—A
21 State that does not meet or exceed the requirements
22 of subsection (a) shall be subject to the regulations
23 and procedures described in section 5.

1 **SEC. 5. FEDERAL MEDIATION AND CONCILIATION.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Director of the Fed-
4 eral Mediation and Conciliation Service shall issue regula-
5 tions establishing collective bargaining procedures for pub-
6 lic safety employers and employees in States that are not
7 granted an exemption under section 4.

8 (b) ROLE OF FMCS.—The regulations described in
9 subsection (a) shall incorporate the rights and responsibil-
10 ities in section 4(a), and shall use the services of the Fed-
11 eral Mediation and Conciliation Service. The Federal Me-
12 diation and Conciliation Service shall have the same au-
13 thority as a State Labor Relations Board, or in a case
14 where no such Board exists, the National Labor Relations
15 Board, for public safety employers and employees covered
16 under this Act.

17 (c) ENFORCEMENT.—A public safety employer, em-
18 ployee, and labor organization each shall have the right
19 to seek enforcement of this section through appropriate
20 State courts.

21 **SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.**

22 A public safety employer, employee, or labor organi-
23 zation may not engage in lockouts or strikes.

1 **SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND**
2 **AGREEMENTS.**

3 A certification, recognition, election-held, collective
4 bargaining agreement or memorandum of understanding
5 which has been issued, approved, or ratified by any public
6 employee relations board or commission or by any State
7 or political subdivision or its agents (management offi-
8 cials) in effect on the day before the date of enactment
9 of this Act shall not be invalidated by enactment of this
10 Act.

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as may be necessary to carry out the provisions of this
14 Act.

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